

# **Drug Policy Advisory Council**

## **Meeting Minutes**

**February 10, 2011**

**Voting Council Members Present:** Chairman Mark Schouten, Katrina Carter-Larson, Cyndy Erickson. Kevin Frampton, Richard Doyle, Paul Stageberg, Vern Armstrong, Eric Snyder, David Lorenzen, Jennifer Benson, John Garringer, and Jane Larkin.

**Non-voting Members Present:** Stephan Arndt and Major Sonya Finch.

**Guests:** Carl Olson, member of the public; Steve Larson, Stephanie Strauss and Shannon Hagge, Alcoholic Beverages Division; Chief Mike Lashbrook, Iowa Police Chiefs Association; Noel Isaac, and Chris Fox, Counter Drug Task Force.

**Staff:** Becky Swift, Susie Sher, Dale Woolery, Dennis Wiggins and Becky Bell.

### **Welcome and introductions**

Chairman Schouten called the meeting to order at 1:05 p.m. Chairman Schouten introduced himself to the Council. Council members and guests introduced themselves.

Chairman Schouten asked for any corrections/deletions to the minutes of November 18, 2010. The minutes were approved as submitted.

### **Legislative Update**

Chairman Schouten reported that the Governor's Office of Drug Control Policy (ODCP) had a number of legislative proposals prepared, reviewed and discussed with the Governor's Office

ODCP has submitted and discussed the complete package with a policy analyst in the Governor's office and he has tentatively given ODCP the go ahead on a couple of the proposals. ODCP hopes to have final approval on these by the end of the next week.

Becky Swift reminded Council members that the minutes of November contain the list of proposals that were submitted.

Two bills that are still being followed include House File 183, which seeks to make marijuana a Schedule I Controlled Substance only is identical to a proposal pre-filed by ODCP. This bill passed the Public Safety Committee and is eligible for debate in the full House.

ODCP is also following House File 186, which would make Salvia divinorum and compounds in the synthetic product commonly referred to as K2, Schedule I Controlled Substances in Iowa. Like house File 183, it has also passed out of the committee and is eligible for debate on the House floor.

Senate Study Bill 1055, similar to HF 186, would make K2 a Schedule I Controlled Substance. However, penalties would be less harsh and the Senate measure does not include Salvia. Senate Study Bill 1016 is the polar opposite of HF 183, and would change marijuana to a Schedule II Controlled Substance. A subcommittee did meet and discuss SSB 1016, but there were no conclusions.

Another bill ODCP is watching would expand Iowa's Drug Policy Advisory Council, by adding representatives from the Alcoholic Beverages Division and the Iowa Police Chiefs Association. Members of those organizations were invited to attend this meeting as non-voting members and if the legislation passes ODCP will add them as statutory members and expand the Council to 17 members.

The last ODCP legislative proposal attempts to bring Iowa in compliance with the federal Adam Walsh Act, which relates to the sex offender registry. Iowa stands to lose 10% of its Byrne-JAG funding next year if it does not comply with the federal act. The Iowa Department of Public Safety helped craft some new language that was very helpful. The pre-filed bill is at the Department of Public Safety as they have been asked to provide a financial impact statement.

ODCP has been told that if this bill passes it will bring Iowa substantially into compliance and ODCP will not lose funding. At stake is a potential loss of \$300,000 in Byrne-JAG funding to Iowa projects supported by ODCP, including drug task forces.

Other bills, Becky is watching: .08 intoxicated boating bill that passed the Senate and is in the House. House SB 21 which deals with the penalties of alcohol sales to minors by attempting to align underage tobacco sales penalties with underage alcohol sales

Chairman Schouten said Iowa's Prescription Monitoring Program (PMP) is scheduled to sunset in July, if the sunset provision is not changed during this legislative session. After talking with the Pharmacy Board, he's hopeful this can be accomplished. ODCP will not advance the proposal it previously pre-filed for strengthening the PMP, and probably will support the Pharmacy Board's bill with a few tweaks. He said it wouldn't be a good time to try and change too much, because the Pharmacy Board reports the PMP is working well. Chairman Schouten read the report where they kept track of the number of times doctors in the last six months accessed that program to see if their patients were doctor shopping and was quite surprised to see that doctors had accessed the program over 25,000 times.

### **Federal Legislative Update**

Chairman Schouten reported that ODCP currently manages about \$10 million federal grant dollars. ODCP receives about \$350,000 dollars per year in State general fund dollars.

Dale Woolery stated that Congress has not resolved the 2011 budget yet, and there is some talk of cutting several billion dollars before they even start on the 2012 budget. The President is talking about tightening the federal belt, but the House is talking much deeper cuts. The end result will impact ODCP and other state agencies.

In other news from Washington, the US Senate has agreed to a temporary ban on earmarks. Senator Grassley has become the new ranking member on the Senate Judiciary Committee. This could bode well for Iowa because he knows Iowa issues as they relate to the justice arena.

The Iowa Office of State and Federal Relations have a new director, Doug Hoelscher, and ODCP looks forward to working closely with him on congressional affairs.

Dale said more and more states are discussing the possibility of regulating pseudoephedrine as a prescription-only product, to curb the rising number of meth labs. It may also become an issue for Congress.

Dale reported that the DEA is in the process of scheduling several of the compounds that comprise K2, similar to parallel efforts here in Iowa. Discussions have also begun on regulating so-called "bath salts," a new form on synthetic stimulants.

DPAC council members were invited to share with ODCP any pressing federal matters that might warrant discussion with federal officials over the next few weeks.

Chairman Schouten asked if Iowa's Byrne-JAG funding would be reduced when ODCP feels the effects of federal budget cuts. Dale said yes, but that because of 2009 Byrne-JAG stimulus funding, and a three year cash flow/sustainability plan for executing the one-time funding, it will be a gradual decrease. ODCP's expenditure of Byrne-JAG funds will lag actual federal appropriations. ODCP already has grant funds on hand for the next two to three years, even after stimulus funding is gone.

The good news is that ODCP received Byrne-JAG stimulus funding, but the bad news is to right size the grant program funding will decrease, by about 16% in SFY 2012 vs. 2011. The upcoming Byrne-JAG grant cycle process will begin soon.

#### **ODCP Grant Cycle Update**

Dennis Wiggins reported that ODCP is stepping down from the high level of grant funding of 4.9 million to 4.1 million in Byrne-JAG funding this year. The application process will begin on February 24, 2011 with the grants due in early April. The grant application will be available on the Iowa grants management system.

#### **Pseudoephedrine Tracking System Update**

Susie Sher stated that the tracking system was put into place in September of 2010. Currently there are 665 pharmacies participating, which is 100% of pharmacies that sell pseudoephedrine to the public. Law enforcement has responded in a positive way. Currently, about 350 officers are signed up and have direct access to the system. All but 13 counties in the state have law enforcement that can access the system.

Currently there are 1,700 watches set up by law enforcement throughout the state and in the past 30 days, 1,500 e-mail notifications have been sent to law enforcement officers saying that someone has attempted/purchased. Since September 1, 2010, approximately 22,200 searches have been completed in the system. In March, an upgrade to the system will be done to work out a few kinks reported by law enforcement.

#### **Agency/Association Updates**

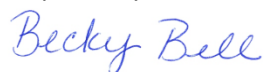
Chairman Schouten asked Council members to discuss what their agencies are doing. Iowa law says the role of the Council is to make policy recommendations to the appropriate departments concerning administration, development and coordination of programs related to substance abuse, education, prevention treatment and enforcement. ODCP is to take the information supplied from other agencies and apply it in its work.

Each member presented provided a brief update (this information is on file and available upon request).

#### **Adjournment**

The meeting adjourned at 2:50 p.m. The next meeting will be Thursday, May 12, 2011.

Respectfully submitted,



Becky Bell